

## Proposed 316(b) BPJ Conditions in Region 10 Permits

May 24, 2019

### Summary

- There are 8 proposed individual permits for dams operated by the Corps of Engineers on the Lower Columbia and Lower Snake Rivers. There is one proposed individual permit for the Grand Coulee Dam operated by the Bureau of Reclamation on the Columbia River. These have not gone out for public comment. Pre-draft versions have 316(b) permit conditions based on the 316(b) Existing Facility Rule (“Rule”).
- **Non-responsive per requestor agreement**
- For the 8 Lower Columbia and Lower Snake River dam permits, the 316(b) BPJ conditions would be similar to permit conditions under the Rule, because they both rely on actions in a Biological Opinion, which the Corps is already required to do.
- For the Grand Coulee Dam, **Ex. 5 Deliberative Process (DP)**
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- **Non-responsive per requestor agreement**

The attached documents include the proposed 316(b) BPJ language compared to language in current proposed permits (WA IPs) and the draft permit (Idaho GP).

**Strikeout Version of 316(b) Permit Conditions based on BPJ Compared to Current Proposed Permit Conditions based on Rule**

**Cooling Water Intake Structure Requirements to Minimize Adverse Impacts from Impingement and Entrainment**

1. Best Technology Available. The design, location, construction, and capacity of the permittee's cooling water intake structures (CWISs) shall reflect the best technology available (BTA) for minimizing adverse environmental impacts from the impingement and entrainment of various life stages of fish (e.g., eggs, larvae, juveniles, adults) by the CWISs.
2. The EPA has determined the following requirements as BTA ~~as required by 40 CFR § 125.98(b)(6)~~. To minimize entrainment mortality and to minimize impingement mortality, the permittee shall operate a system of technologies consistent with the permittee's most current Fish Passage Plan, including:
  - a) Conduct spill releases over dam spillways according to schedules and guidelines in the most recent Fish Operations Plan and Fish Passage Plan.
  - b) Keep juvenile fish passage structures, including ice and trash sluiceway, free of debris or other material, through regular and preventive maintenance and inspections.
  - c) Operate turbines within +/- 1% peak efficiency, or as specified in the most recent Fish Passage Plan.
  - d) Operate turbines in priority order to maximize fish passage as described in the Fish Passage Plan.
  - e) Maintain a physical screening or exclusion technology that is consistent with the objectives of National Marine Fisheries Service (NMFS) guidelines found in NMFS Northwest Region's Anadromous Salmonid Passage Facility Design, Chapter 11: Fish Screen and Bypass Facilities.
3. The permittee must properly operate and maintain the technologies identified above as described in their most current Fish Passage Plan and as required by the Federal Columbia River Power System (FCRPS) ~~2014-2019~~ Supplemental Biological Opinion, or any subsequent Biological Opinion that comes into effect.
4. The permittee must conduct regular visual inspections at a frequency specified in the most current Fish Passage Plan or employ remote monitoring devices to ensure that any technologies established as the BTA are maintained and operated to function as designed.
5. The permittee must maintain a copy of the most current Fish Passage Plan on-site at the facility and make it available to the EPA or an authorized representative upon request.
6. The permittee must prepare a CWIS Annual Report documenting implementation, operations, and maintenance of BTA. The Report must be submitted by December 31st of each year. The

Report must include a certification statement ~~required by 125.37(c)~~ that BTA has been properly operated and maintained and that no changes to the facility have been made unless documented. The permittee may submit written notification as an electronic attachment to the DMR. The file name of the electronic attachment must be as follows: YYYY\_MM\_DD\_WA0026701\_CWIS\_05899, where YYYY\_MM\_DD is the date that the permittee submits the written notification.

**Proposed 316(b) Permit Conditions based on BPJ**

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